

COMPLAINT TRACKING FORM

(for internal use only)

To be completed by the Supervisor

Status: **Resolved**
Findings Reported? Yes
Decision: Negative Findings

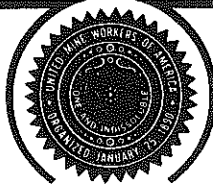
1. Place/Office where
Complaint received: MOUNT HOPE DISTRICT OFFICE
2. Mine I. D. Number: 46-08436
3. Time and date received: 5/26/10
4. Type of complaint: (check one)
☒ 103(g) ☐ Code-a-Phone
☐ Anonymous ☐ Other
- 5a. Received by: (check one)
☒ Mail ☐ Fax
☐ Telephone ☐ Hand Delivered
☐ In Person ☐ Other
- 5b. Complaint No. D4-121 362457
6. Assigned to:
Supervisor: [REDACTED] Date: 5/26/10
Inspector: [REDACTED] Date: 5/27/10
- 7a. Date Investigation began: 5/27/10 Event No. 6287628
- 7b. Date Investigation completed: 6/2/10
8. Date Response received in District: 6/15/10

Distribution: District Manager
Assistant District Manager
Pending File

SOUTHEAST REGION OFFICE

UNITED MINE WORKERS OF AMERICA

1300 KANAWHA BLVD., E.
CHARLESTON, WV 25301



TELEPHONE
AREA CODE (304) 343-0259
FAX (304) 343-0250
Email
umwaregion2@charterInternet.com

May 26, 2010

MSHA
MOUNT HOPE, WV

MAY 27 2010

Via Facsimile (304-877-3927) and Regular Mail

RECEIVED
DISTRICT MANAGER'S OFFICE

Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880

Re: Performance Coal Co., Upper Big Branch Mine
MSHA ID: 46-08 436

Dear [REDACTED]

As a representative of the miners at the Upper Big Branch Mine, we request a 103(g)(1) inspection in accordance with the Federal Mine Safety and Health Act of 1977. We are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

If you have any questions regarding this request, please feel free to contact me at your earliest convenience.

Respectfully,

[REDACTED]

[REDACTED]



[REDACTED]

5/28/2010

POST

SUBJECT: MINERS' REPRESENTATIVES

1. WHEN THE MINERS' REPRESENTATIVE ARRIVES AT THE SECURITY GATE, DIRECT HIM TO THE UBB MINE OFFICE AND INSTRUCT HIM TO CONTACT ONE OF THE FOLLOWING;

[REDACTED]

2. CONTACT THE UBB MINE OFFICE AND INFORM OF THE MINERS' REPRESENTATIVE'S PRESENCE.

PLEASE ENSURE THIS IS REVIEWED WITH ALL SECURITY OFFICERS.

[REDACTED]

5-21-10

6/14/10

NOTIFICATION OF HAZARDOUS CONDITIONS

Complaint ID: D4-121

Date of Complaint: 5/26/10

System Assigned ID: _____

Mine ID: 46-08436

Name: _____

Operator: Performance Coal Company

Address: _____

Mine Name: Upper Big Branch Mine-South

Phone: _____

Contractor ID: _____

Contractor: _____

COMPLAINT: Representatives of the miners are being denied access by security guards to travel to MSHA's
mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and
performing inspections on the surface areas.

05/14/10

COMPLAINT ALLEGATIONS AND FINDINGS

Complaint ID: D4-121

Mine ID: 46-08436

Date of Complaint: 05/26//10

Operator: Performance Coal Company

System Assigned ID: _____

Mine Name Upper Big Branch Mine-South

Contractor ID: _____

Event No. 6287628

Contractor: _____

Allegation/s: Representatives of the miners are being denied access by security guards to travel to MSHA's
mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and
performing inspections on the surface areas.

Findings: This was assigned to CMS&H Inspector [REDACTED] After his investigation, the following were his
findings:

After discussions with security guards, company personnel and the complainant, it was found that the miners'
representatives were not being denied entry. NEGATIVE FINDINGS.

Condition Complaint

[Show Initial Complaint](#) [View History](#) [Print](#)

Complaint Information		Edit Complaint	View Full Complaint	Refer to a Non-MSHA Agency
Id	362457	Entered by		
Status	Resolved	Is 103(g)?		No
Source	Written	Received		5/27/2010
Complainant is a:	Miner's Rep	Anonymous User		Yes
Complaint Type:	Technical (T)			
Mine Name	Upper Big Branch Mine-South, Operated by Performance Coal Company			
Mine ID	4608436	Came from HQ?		No

Assignments

Current District Assignment	Coal District 4		
Current Field Office Assignment	None Assigned	Assign/Send Complaint	
Current User Assignment	[REDACTED]	Assign/Send Complaint	

Allegations (1)	Create New Allegation	Print Allegation Summary
1. Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.		Edit allegation Modify Findings Modify Decision
Status: Resolved Findings Reported? Yes Decision: Negative Findings		Delete

Complaint #362457

[Print](#)

General Information

Complaint Date 5/27/2010 Person Entering Complaint [REDACTED]

Source Written

Code-A-Phone File

Complaint Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

Notes D4-121 (Letter mailed to DM)

Type of complaint • Technical (T)

Mine and Contractor Information

Mine: Upper Big Branch Mine-South, operated by Performance Coal Company

Mine ID	46-08436	Type	Underground/ Coal
Status	NonProdActive	District - Field Office	Mt. Hope, WV(C0400) - Mt. Hope WV Field Office(C0401)

Address 130 Frontier Street, Montcoal, WV 25140

Contractor Name

Contractor Id

Complainant Information

Prefers to Remain Anonymous Yes

First Name	[REDACTED]	Last Name	[REDACTED]
Title	[REDACTED]		
Address	1300 Kanawha Boulevard	City	Charleston
State	WV	Zip	25301
Phone	3043430259	Email Address	
Submitted by:	Miner's Rep		
Union Affiliation		# of Miners Represented	

Mine Activity Data

U. S. Department of Labor
Mine Safety and Health Administration



1. Action: a. New Entry ☐ b. Update ☒ 2. Activity Code: E03 3. Event Number: 6287628

4. Date Event Started: 5/27/2010 5. Date Event Finished: 6/2/2010 6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment) 20401 b. Work Group Identifier 02 9. Company Name PERFORMANCE COAL COMPANY

8a. Organization Code (AR Assignment) 20401 b. Work Group 02 10. Mine Name UPPER BIG BRANCH MINE-SOUTH

11. Report Type (check one) a. First ☐ b. Interim ☐ c. Last ☐ d. Not Applicable ☒ 12. Area of Inspections a. Active Sections 0 b. Idle Sections 0

c. Outby Areas ☐ d. Shafts/Slopes ☐ e. Surface Areas (UG) ☒ f. Surface Workings ☐ g. Company Records ☒ h. ATF ☐ i. Impoundments ☐ j. Refuse Piles ☐

k. Major Construction ☐ (1) Shaft/ Slope Sinking 0 (2) Impoundment Construction 0 (3) Buildings 0 (4) Dragline/ Shovel: 0 (5) Other 0 l. Miscellaneous ☐

m. MMU/Pit Number

13. Number of Samples Collected a. Air Samples 0 b. Rock Dust Spot 0 c. Rock Dust Survey 0 d. Respirable Dust 0 e. Noise 0 f. Other 0



14. Impoundments/Refuse Piles: a. Number b. FHC c. Configuration

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
a. This Inspection								
(1) New Issuances	0	0	0	0	0	0	0	0
(2) Terminations/Vacations	0	0	0	0	0	0	0	0
(3) Modifications/Extensions	0	0	0	0	0	0	0	0
(4) Left Pending	0	0	0	0	0	0	0	0
b. Previously Issued								
(1) Modifications/Extensions	0	0	0	0	0	0	0	0
(2) Terminations/Vacations	0	0	0	0	0	0	0	0

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

 Card Number 

c. _____

d. _____

19. Key Entered By _____ Date _____

17. Remarks:

Activity Calendar

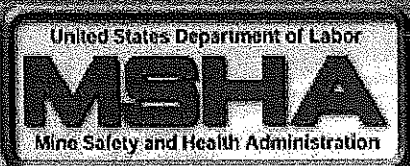
Event Number: 6287628

Mine ID: 4608436

6/14/10

Shift	Sun			Mon			Tue			Wed			Thur			Fri			Sat		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Week 1 5/23/2010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Week 2 5/30/2010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

06/04/10



The information contained herein is protected under the Privacy Act and should be handled accordingly.



Legal ID Report

EDocument Submission

Notice Type: Update

Effective Date: 04/22/2010

Mine Information 1-8

1. Federal Mine Identification Number:	4608436								
2. Mine Name:	Upper Big Branch Mine-South								
3. Directions To Mine:	Rt. 3 South, to Montcoal								
4. Mine Location Address	Street Address 130 Frontier Street <table> <tr> <td>City</td> <td>State</td> <td>Zip Code</td> </tr> <tr> <td>Montcoal</td> <td>WV</td> <td>25140-</td> </tr> </table> County Raleigh			City	State	Zip Code	Montcoal	WV	25140-
City	State	Zip Code							
Montcoal	WV	25140-							
5. Official Business Name of Operator:	Performance Coal Company								
6. Principal Office Address for this Operator	Street Address 130 Frontier Street <table> <tr> <td>City</td> <td>State</td> <td>Zip Code</td> </tr> <tr> <td>Naoma</td> <td>WV</td> <td>25140-</td> </tr> </table> Country Foreign State Foreign Zip Code USA			City	State	Zip Code	Naoma	WV	25140-
City	State	Zip Code							
Naoma	WV	25140-							
7. Telephone number for this mine:	Area Code	Telephone Number	Extension						
	304	854 - 1762							
8. Commodity	Type of Product		Type of Operation						
	Coal - Coal (Bituminous)		Underground						

Health & Safety 9

9. Person at Mine in Charge of Health and Safety:

Last Name

Hager

First Name

Everett MI
Title
Superintendent
Street Address OR P.O. Box
69
City State Zip Code
Naoma WV 25140 -
Country Foreign State Foreign Zip Code
USA
E-mail Address

All Health & Safety 10

10. Person with Overall responsibility for a Health and Safety Program at ALL of the Operator's Mines, if the Operator is Not Directly Involved in the Daily Operation of the Mine:

Last Name
Cornett
First Name MI
Berman
Title
Safety Director
Street Address OR P.O. Box
69
City State Zip Code
Naoma WV 25140 -
Country Foreign State Foreign Zip Code
USA

E-mail Address
berman.cornett@masseyenergyco.com

Address of Record 11

11. Address of Records and Telephone Number:

Last Name
Blanchard
First Name MI
Chris
Title
President
Street Address
130 Frontier Street
City State Zip Code
Montcoal WV 25140 -
Country Foreign State Foreign Zip Code
USA
P.O. Box Address

69

City State Zip Code
Naoma WV 25140 -

Country Foreign State Foreign Zip Code
USA

Area Code Telephone Number Extension E-mail Address
304 854 - 1852 Chris.Blanchard@masseyenergyco.com

Ownership Information

12. This Official Business is a: Corporation

13. If Business is listed as Other, what is the type of Organization? Type of Organization: Joint Venture, County Government, Limited Liability Company, etc.

14. Employer Identification Number or Tax Identification Number for this Business:

SSN for Individuals:

*** - ** - *****

EIN for Entities:

** - *****

15. The Individual(s) with ownership interest in this Business or Corporate Officers/Directors are:

	Name	Address
1	Tammy L. Tomblin CAO	130 Frontier Street Whitesville WV 25209 USA
2	Richard R. Grinnan Secretary	130 Frontier Street Whitesville WV 25209 USA
3	Mark A. Clemens Director	130 Frontier Street Whitesville WV 25209 USA
4	Chris Blanchard President	PO Box 69 Naoma WV 25140 USA

16. If Business is listed as Other, what are the names of Principal Organization Officials or Members?

Name	Address
------	---------

Corporation Information 17**17. If Business is a Corporation, please answer the following:**

a. State of Incorporation: WV b. Is this Corporation a subsidiary? Y

c. If yes, what is the name and address of your Parent Corporation?

Name (or entity name if owner is a business)
Massey Energy

Street Address

OR

P.O. Box
26765

6/14/10

City	State	Zip Code
Richmond	VA	23226 -
Country	Foreign State	Foreign Zip Code
USA		
d. Employer Identification Number for this Business (EIN):		** - *****
Contact Information		
Name and Title of Official Completing Form		
Last Name		
First Name		
Middle Initial		
Date Form Completed 04/22/2010		

GENERAL INFORMATION COVER SHEET

Inspection Code E03 Event No. 6287628
 Company Name Performance Coal Co
 Mine Name Upper Big Branch Mine-South
 Mine I.D. Number 4608436

Date(s) of Mine File Review 5-27-10
 O Status Yes Citation/Order No. 8082692 Date 3-17-09

Dates of Inspection: began 5-27-10 completed 6-2-10

Pre-Inspection Conference Date 5-27-10

Company Representative(s) [REDACTED]

Miners Representative(s) [REDACTED]

Post-Inspection Conference Date 5-27-10

Company Representative(s) [REDACTED]

Miners Representative(s) n/a

Comment [REDACTED]

Inspector's Initials [REDACTED] Supervisor's Initials and Date [REDACTED]

Don Producing
 DAILY COVER SHEET

Date 5-27-10 Event No. 6287628

Arrived at the Mine 10:30 Departed from the Mine —

List Records Books Checked —

Accompanied By Company Representative [REDACTED]

Miners Representative [REDACTED]

AREAS OF INSPECTION ACTIVITY:

Complaint

Inspector's Initials [REDACTED]

Supervisor's Initials and Date [REDACTED]

6287628

Date 5-27-10

Arrived at the
M.S.H.A. office.

Got equipment
ready to travel
to mine.

Bumped tested
solaris.

Spoke with
[REDACTED] about
a complaint that
has been called
in.

Reviewed the
complaint with
[REDACTED]

Inspector's Initials [REDACTED]

Supervisor's Initials and Date [REDACTED]

opening ever at
EO 3 6287628.

Traveled to
the mine with

arrived at
the mine and
met with

and gave him
a copy of the
complaint. 04-121

went to notify

Inspector's Initials

Supervisor's Initials and Date

Page No.

3

6-1-2010

U.S. GPO: 2005-752-00928

Date 5-27-10

the miners rep
that were were
here.

Gave a copy
of the complaint
to

Looked with
about
the the complaint
and he said that

was denied on
the property
on 5-24-10

Inspector's Initials

Supervisor's Initials and Date

Page No.

4

6-1-2010

U.S. GPO: 2005-752-00928

Date 5-27-10

When speaking
with

was
present.

after meeting
down in the
parking we
went up stairs
to meet with

stated in this
meeting that
he was not

Inspector's Initials

Supervisor's Initials and Date

Page No.

5

6-1-2010

U.S. GPO: 2005-752-00928

Date 5-27-10

[redacted] stated that [redacted]

[redacted] would be late arriving at the mine at this time [redacted]

[redacted] called the guard shack so he could be notified when [redacted] arrived [redacted]

[redacted] stated he was never notified

at this time

Inspector's Initials [redacted]

Supervisor's Initials and Date [redacted]

Page No. 6

6-1-2010 *U.S. GPO: 2005-752-00928

Date 5-27-10

[redacted] will be calling the head of security to find out who was at the guard shack on 5-24.

[redacted] was saved [redacted] was on his to the office with the security log.

[redacted] arrived and stated that

Inspector's Initials [redacted]

Supervisor's Initials and Date [redacted]

Page No. 7

6-1-2010 *U.S. GPO: 2005-752-00928

Date 5-27-10

[redacted] was the guard on duty at the front gate on 5-24-10 dayshift.

at this time we will be going to the guard shack to check the logs of people entering the mine property.

When arriving at the gate [redacted] was on duty.

Inspector's Initials [redacted]

Supervisor's Initials and Date [redacted]

Page No. 8

6-1-2010

*U.S. GPO: 2009-541-759

5-27-10
 [REDACTED] stated
 he has never
 denied the
 miners rep
 entrance.

We reviewed
 the log and
~~seen~~ there was
 no names of
 [REDACTED]
 arriving at
 the quarrel sh-
 ack, but said
 if they do not
 go thru the
 gate there name
 would not be
 on the log.

Inspector's Initials _____

Supervisor's Initials and Date _____

age No. 9

6-1-2010

*U.S. GPO: 2009-541-759

5-27-10 -
 [REDACTED] said
 he could not
 remember the
 miners rep
 being there on
 the 24th.

Mussel h. and
 [REDACTED] will
 be going to
 the mine office
 to call [REDACTED]
 [REDACTED] and
 see what hap-
 pen on this
 day. We cou-
 ld not reach
 him.

Inspector's Initials _____

Supervisor's Initials and Date _____

Page No. 10

6-1-2010

*U.S. GPO: 2009-541-759

DAILY COVER SHEET

Date 6-2-10 ~~5-29-10~~ Event No. 6287628
 Arrived at the Mine — Departed from the Mine —
 List Records Books Checked —

Accompanied By: Company Representative —Miners Representative —

AREAS OF INSPECTION ACTIVITY

calling [REDACTED]

Inspector's Initials [REDACTED]Supervisor's Initials and Date [REDACTED]Page No. 1Date 6-2-10

Arrived at the
 field office to
 call [REDACTED]

Spoke with [REDACTED]
[REDACTED] about
 the complaint
 845 AM

[REDACTED] said
 he could not
 recall the days
 that this hap-
 pened, but he
 only knew at
 1 time that
 M.S.H.A. was on
 property that

Inspector's Initials [REDACTED]Supervisor's Initials and Date [REDACTED]Page No. 2

6.4.10

Date 6-2-10

he had to wait
 til MSHA cou-
 ld escort him.
 I told [REDACTED]

[REDACTED] that
 this it was
 next up to us
 to escort th-
 em to the mine
 office & explain
 all to [REDACTED]

[REDACTED] what
 or was putting
 in place. The
 miners reps are
 to report to
 the mine off-
 ice

Inspector's Initials [REDACTED]Supervisor's Initials and Date [REDACTED]Page No. 3

6.4.10

Date 6-2-10

ice when they
set there. [REDACTED]

[REDACTED] was
posting this
in the mine's
office. [REDACTED]

[REDACTED] said
he was okay
with this be-
ing done

Inspector's Initials [REDACTED]

Supervisor's Initials and Date [REDACTED]

Page No. 4

6-4-2010

*U.S. GPO: 2005-752-00928

EDocument ID: 1118758
EDocument Status: MsisLoaded
Current District: Mt. Hope, WV(C0400)
Current Assigned Person: [REDACTED]

MSIS Document ID: 601288

Review History

Date	Action	Reviewed By	Comments
4/26/2010 10:57:14 AM	Approved	[REDACTED]	
4/23/2010 9:45:13 AM	Re-Assigned Person		

Legal Identity Report (2000-7)

Original

Update Requests

Mine Information

Effective Date 4/22/2010
Mine ID 46-08436
Mine Name Upper Big Branch Mine-South
Mine Location Address 130 Frontier Street
 Montcoal, WV 25140
Mine Location County Raleigh
Directions to Mine Rt. 3 South, to Montcoal
Phone Number of Mine (304) 854-1762
Mine Operator Name Performance Coal Company
Mine Operator Address 130 Frontier Street
 Naoma, WV 25140
Type of Commodity (product) Coal - Coal (Bituminous)
Type of Operation Underground

Mine Health and Safety Information

Person at Mine in Charge of Health and Safety

Name Homer Wallace **Everett Hager**
Title Superintendent
Email Address
Address P.O. Box 69
 Naoma, WV 25140

Person at Mine in Charge of ALL Health and Safety

Name Berman Cornett
Title Safety Director
Email Address berman.cornett@masseyenergyco.com
Address P.O. Box 69
 Naoma, WV 25140

Address of Record

Name Chris Blanchard
Title President
Email Address Chris.Blanchard@masseyenergyco.com
Phone Number (304) 854-1852
Address P.O. Box 69
 Naoma, WV 25140
Personal Service Address 130 Frontier Street
 Montcoal, WV 25140

Ownership Information

Type of Business Corporation
Employer Identification Number (b) (6)

Individuals with ownership interest or corporate officers/directors

Name and Address	Name and Address
Roger Nicholson (Vice President) 130 Frontier Street Whitesville, WV 25209	Tammy L. Tomblin (CAO) 130 Frontier Street Whitesville, WV 25209
Barkley Sturgil (Secretary) 130 Frontier Street Whitesville, WV 25209	Richard R. Grinnan (Secretary) 130 Frontier Street Whitesville, WV 25209
Darrin Butcher (CFO) 130 Frontier Street Whitesville, WV 25209	Mark A. Clemens (Director) 130 Frontier Street Whitesville, WV 25209
Chris Blanchard (President) P.O. Box 69 Naoma, WV 25140	Chris Blanchard (President) P.O. Box 69 Naoma, WV 25140

Businesses with ownership interest
None Listed

Corporate Information

State of Incorporation WV
Corporation Subsidiary? Yes
Parent Business Name Massey Energy
Parent Address P.O. Box 26765
Richmond, VA 23226
Parent EIN *****0960

Signature

Submitted by [REDACTED] on 4/22/2010
Signed by [REDACTED] on 4/22/2010

Phone Number [REDACTED]